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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,024	09/18/2006	Andreas Furrer	Belimo P1020 US	3205
37138	7590	03/10/2009	EXAMINER	
THADDIUS J. CARVIS			FRISTOE JR, JOHN K	
102 NORTH KING STREET			ART UNIT	
LEESBURG, VA 20176			PAPER NUMBER	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/599,024

**Applicant(s)**

FURRER, ANDREAS

**Examiner**

JOHN K. FRISTOE JR

**Art Unit**

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 13-20 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8-12, 21-23 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/21/2008 have been fully considered but they are not persuasive. Applicant first argues Brendle et al. does not disclose a reduction gearing that is modularly constructed which are connected detachably, the examiner disagrees. Each gear within the train of Brendle et al. can be considered modular since each gear is separate or independent of each other. A user can take the gear train of Brendle et al. apart and therefore each gear is detachable from one another. Applicant then argues that Brendle et al. does not disclose a reduction gearing, the examiner disagrees. The large central gear within Brendle et al. can be considered a reduction gear. Applicant then argues that Brendle et al. does not provide a reduction gearing with smaller production and stock costs. This argument is not commensurate with the scope of claims and is therefore considered moot. Applicant argues that Anderle et al. does not teach a self lock rather a slip coupling. It is unclear to the examiner how this is different especially since applicant further describes the self lock as a friction coupling in claim 4 which is equivalent to a slip coupling. Applicant then argues that Anderle et al. does not teach a switchable lock, the examiner disagrees. The coupling of Anderle et al. is switchable from coupled to uncoupled. Since the following prior art rejections are being maintained, the instant Office action has been made final.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 15-20, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO03/029632 (Brendle et al. as evidenced by U.S. Pat. No. 6,974,119) in view of U.S. Pat. No. 4,089,505 (Anderle et al.). Brendle et al. disclose a reduction gearing of an electrically operated actuator to control gaseous or liquid volume comprising a reduction gearing (14a, 14b, and 12b), a primary gear modules (14a) or spur gear, at least one drive motor (20), a secondary gear module (14b), an output drive (12b), wherein the gear modules (14a, 14b) are interchangeable (the gearing could be possible switched and would still work correctly), a hollow shaft (6c) connected to a flap (6b) but lacks a self lock torque limiting coupling. Anderle et al. teach an electrically operated actuator or drive motor (11) and a self lock torque limiting coupling (57), wherein the self lock (57) is a friction coupling, wherein the self lock (57) is a switchable coupling (switchable between coupled and uncoupled). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reduction gearing of Brendle et al. by adding a torque limiting coupling as taught by Anderle et al. in order to prevent a dangerous amount of torque being applied to the valve member.
4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO03/029632 (Brendle et al. as evidenced by U.S. Pat. No. 6,974,119) in view of U.S. Pat. No. 4,089,505 (Anderle et al.) as applied to claim 1 above, and further in view of U.S. Pat. No. 6,098,957 (Vepy). Brendle et al. modified above, disclose a reduction gearing of an electrically operated actuator to control gaseous or liquid volume comprising a reduction gearing (14a, 14b, and 12b), a primary gear modules (14a) or spur gear, at least one drive motor (20), a secondary gear module (14b), an output drive (12b), wherein the gear modules (14a, 14b) are interchangeable

(the gearing could be possible switched and would still work correctly), a hollow shaft (6c) connected to a flap (6b) but lacks a DC motor. Vepy teaches a valve assembly comprising a DC motor (110). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the assembly of Brendle et al. by adding an electric motor that is a DC motor as taught by Vepy since using a known type of motor will yield a predictable result.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,974,119 in view of U.S. Pat. No. 4,089,505 (Anderle et al.) as applied to claim 1 above, and further in view of U.S. Pat. No. 6,626,421 (Torii et al.). Brendle et al. modified above, disclose a reduction gearing of an electrically operated actuator to control gaseous or liquid volume comprising a reduction gearing (14a, 14b, and 12b), a primary gear modules (14a) or spur gear, at least one drive motor (20), a secondary gear module (14b), an output drive (12b), wherein the gear modules (14a, 14b) are interchangeable (the gearing could be possible switched and would still work correctly), a hollow shaft (6c) connected to a flap (6b) but lacks an energy accumulator. Torii et al. teach a valve assembly comprising a motor (240) an energy accumulator (226). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the assembly of Brendle et al. by adding an energy accumulator as taught by Torii et al. in order to help move the valve to the closed position.

***Allowable Subject Matter***

6. Claims 5, 6, 8-12, 21-23, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (571) 272-4926. The examiner can normally be reached on Monday-Friday, 7:00 a.m.-4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John K. Fristoe Jr./  
John K. Fristoe Jr.  
Primary Examiner  
Art Unit 3753

JKF